

Application Serial No.: 09/750,350
Amendment and Response to June 29, 2005 Final Office Action

REMARKS

Claims 1-13, 15, and 17-20 are in the application. Claims 1, 14, 16, and 21-37 are canceled; claims 2-9, 15, and 17-19 are currently amended; and claims 10-13 and 20 remain unchanged from the original versions thereof. Claims 1 is the independent claim herein.

Claim Rejections – 35 USC § 101

Claims 21 -37 were rejected under 35 USC 101 for allegedly claiming non-statutory subject matter. Claims 21-37 are canceled.

Accordingly, Applicant respectfully submits that claims 21-37 overcome the rejection under 35 USC 101.

Claim Rejections – 35 USC § 112, 1st Paragraph

Claims 1, 21, and 37 were rejected under 35 USC 112, 1st paragraph for claiming a distinction of an unresolved status and a resolved status. The Examiner stated that it was not clear where the Specification made such a distinction. The Examiner further states that the Specification does disclose identifying potential problems.

In an effort to advance prosecution of the present application, Applicant has amended claim 18 to state, in part, "executing a real-time computer program in the computer, the computer program providing a display having a location on said display for a status for each subcontractor, said status being drawn from a pre-defined set and identifying a change". (emphasis added)

Applicant respectfully submits that the Specification clearly and fully supports the current amendment of claim 18. For example, Applicant respectfully directs the Office's attention to page 5, line 22 – page 6, line 4 wherein the Specification discloses that the Dashboard display of FIG. 3 would be altered to reflect a change in status for a subcontractor. The Specification discloses

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different classes (e.g., no change, class 1, and class 2) and different status indicators (e.g., green, yellow, and red). Also, the Specification discloses at page 6, last paragraph that the system will leave a status change "Open" and send a reminder regarding a status change until the change is resolved, at which point the Dashboard indicator will be changed to green.

Accordingly, Applicant respectfully submits that claim 18 overcomes the rejection under 35 USC 112, 1st paragraph.

Claim Rejections – 35 USC § 112, 1st Paragraph

Claims 1, 21, and 37 were rejected under 35 USC 112, 2nd paragraph for claiming "a second display for showing how widespread is the problem represented by the status". This aspect of the rejection is overcome by the present amendments that delete all direct references to showing how "widespread" is the problem is.

Regarding the rejection of claim 18, the Office Action stated that it was not clear as to what is meant by "closing" a status change. While Applicant respectfully submits that those skilled in the art would appreciate and understand the meaning of the claimed "closing" without need for undue experimentation, Applicant further clarifies the claim by amendment to state, "persons selected by the contractor are sent a reminder when there is a status change for which no action has been reported by the manager until the manager either takes an action or resolves the status change and wherein resolving the status change is indicated by a change of color of a status indicator on the display." (emphasis added) Support for this clarifying amendment may be found in the Specification at least at page 6, last paragraph wherein it is disclosed that, "[O]nce the change notice or request is resolved, the system will retain the change notice or

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request for on-line review and the Dashboard indicator will be changed to green."

Accordingly, Applicant respectfully submits that claim 18 overcomes the rejection under 35 USC 112, 2nd paragraph.

Allowable Subject Matter

Applicant acknowledges with appreciation the indication of allowable subject matter. Namely, the Office Action stated that claim 18 would be allowable if rewritten to overcome the rejections under 35 USC 112, 1st and 2nd paragraphs and to include all of the limitations of the base and any intervening claims.

Applicant has fully addressed the rejections under 35 USC 112, 1st and 2nd paragraphs as discussed in detail hereinabove. Furthermore, Applicant has amended claim 18 to incorporate those aspects of the invention previously recited in the previous claims 1, 14, and 18.

Since the Office Action stated that the previous (intervening) claims 9 and 17 were not patentable over the cited art of record (not admitted by Applicant), Applicant respectfully submits that not including the claimed aspects of claims 9 and 14 in the amended claim 18 does not alter the allowability of claim 18.

Accordingly, Applicant respectfully submits that claim 18 is allowable over the cited and relied upon art for at least the reasons stated hereinabove and in the Office Action.

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CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date



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